(Khmendra Joshi & ors. Vs. State of Raj. & ors.]
S.B.C.Writ Petition No. 4482/2003.

Date of order: 22nd December, 2006.

HON'BLE MR MOHAMMAD RAFIQ, J.

Mr M.S.Rathore, for the petitioners.
Mr N.M.Lodha, Addl.Advocate-General for respondents.

In this writ petition, the petitioner has impugned the validity of notification issued by the respondents on 14.7.2003 and 27.7.2003 and has prayed for mandamus for declaring these notifications to be illegal and unconstitutional and quashing the same and for a further direction to the respondents to appoint him on the post of Teacher Gr.III.

The respondents in reply to the writ petition have contended that the notification dated 14.7.2003 has since been superseded by subsequent amendment dated 28.2.2004 and so also the advertisement dated 27.7.2003 has already been cancelled and accordingly the vacancies have been determined and appointments have been made as per newly amended provisions contained in the notification dated 28.2.2004. Thus, it is contended that

in view of these subsequent events, nothing survives in the writ petition and this petition is liable to be dismissed. The respondents further contended that the Hon'ble Supreme Court while deciding the case of Kailash Chandra Sharma Vs. State of Rajasthan & ors., reported in 2002 (6) SCC 562 has confined the right to appointment only to those candidates who moved the High Court before 18.11.1999 and if after reducing bonus marks of those appointed on or after 18.11.99, any less meritorious candidates than those who had filed the writ petition prior to that date are found to have been appointed. The respondents contended that since none of the petitioners had approached this Court by filing petitions prior to 18.11.99, they do not have any right to consideration for appointment. Even otherwise, the selection process for Advertisement No. 10/98 has since been completed. In the light of guidelines propounded in Kailash Chandra (supra), no direction can be issued for giving appointments to the petitioners. In view of the above, on both counts, therefore, the petitioners have no case.

Having considered the arguments of both sides and studied in the light of clarifications so categorically given by the respondents, I do not find any merit in the writ petition. The petition is, therefore, dismissed with no order as to costs.

(MOHAMMAD RAFIQ),J.

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